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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PEDRO RIOS,

Plaintiff,

v.

THOMAS J. VILSACK, *et al.*,

Defendants.

Case No. 2:21-cv-01599-MCE-JDP

**STIPULATION AND ORDER FOR  
MODIFYING INITIAL PRETRIAL  
SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 240(b), and the Court's Initial Pretrial Scheduling Order (ECF 3), the parties have met and conferred regarding the nature of their claims and defenses; the possibility of promptly settling or resolving this case; the disclosures required by Rule 26(a); and developing a proposed discovery plan. Having so met and conferred,

IT IS HEREBY STIPULATED, by and among the parties and subject to Court approval, that the Initial Pretrial Scheduling Order shall be modified as set forth below:

Deadline for serving initial disclosures.....January 21, 2022

Deadline for completing non-expert discovery.....November 18, 2022

Deadline for serving initial expert disclosures..... December 2, 2022

Deadline for serving rebuttal expert disclosures..... January 6, 2023

Deadline for completing expert-witness discovery..... March 3, 2023

Deadline for filing dispositive motions..... April 7, 2023

**I. Brief Case Summary**

Plaintiff Pedro Rios worked as a seasonal firefighter for the United States Forest Service on the Klamath National Forest. In the operative Complaint, he asserts one claim against the Secretary of Agriculture and the Chief of the United States Forest Service for associational discrimination in violation of the Rehabilitation Act of 1973 (as amended). Specifically, Plaintiff alleges that the Forest Service did not rehire him in December 2020 because of his association with his disabled son.

In compliance with Federal Rule of Civil Procedure 26(f)(3), the parties provide the following additional information for the Court's consideration.

**II. Compliance with Federal Rule of Civil Procedure 26(f)(3)**

**A. Disclosures Pursuant to Rule 26(a)**

The parties will serve their initial disclosures no later than January 21, 2022. The parties will serve initial expert disclosures no later than December 2, 2022. The parties will serve any rebuttal expert disclosures no later than January 6, 2023.

**B. Subjects and Timing of Discovery**

The subjects of discovery will include Plaintiff's employment history, the facts and circumstances surrounding the decision not to rehire Plaintiff in December 2020, and the existence, extent, and cause of any damages that Plaintiff attributes to the decision not to rehire him. The parties propose a deadline of November 18, 2022, to complete non-expert discovery, and a deadline of March 3, 2023, to complete expert-witness discovery.

**C. Electronically Stored Information**

The parties do not anticipate any issues concerning the disclosure, discovery, or preservation of electronically stored information.

**D. Protection of Privileges or Trial-Preparation Materials**

Pursuant to Rule 502(d) of the Federal Rules of Evidence, the disclosure of any document or communication that is subject to the attorney-client privilege or attorney work-product doctrine shall not operate as a waiver of the privilege or protection from discovery in the instant case or any other proceeding, regardless of whether such disclosure is inadvertent.

**E. Changes in Discovery Limitations**

The parties do not propose any changes to the limitations imposed on discovery by the Federal Rules of Civil Procedure and the Court's Local Rules.

**F. Other Orders Concerning Discovery**

The parties agree to accept service via e-mail and the Department of Justice's cloud-based file-sharing platform, USAfx (<https://usafx.account.box.com>), pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure.

Dated: December 20, 2021

Respectfully submitted,

THOMAS DIMITRE ATTORNEY AT LAW LLC

By: /s/ Thomas Dimitre (authorized 12/20/2021)  
THOMAS DIMITRE

Attorneys for Plaintiff


PHILLIP A. TALBERT  
Acting United States Attorney

By: /s/ Joseph B. Frueh  
JOSEPH B. FRUEH  
Assistant United States Attorney

Attorneys for Defendants

**IT IS SO ORDERED.** The Initial Pretrial Scheduling Order is hereby modified to reflect the extensions set forth in the foregoing stipulation.

Dated: December 22, 2021

  
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MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE